

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
SEPTEMBER 6, 1989

SUBJECT: AMICI CURIAE BRIEF

PREPARED BY: City Attorney

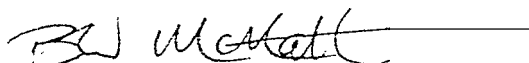
RECOMMENDED ACTION: City Council approval of the inclusion of the City of Lodi in the list of cities on Amici Curiae Brief: La Quinta Dunes vs City of La Quinta.

BACKGROUND INFORMATION: The City of La Quinta, California has requested that Lodi add its name to a list of amici curiae in the case titled La Quinta Dunes vs City of La Quinta (Riverside County Superior Court). This matter involves a judgment by the Riverside Superior Court ordering the City of La Quinta to rezone a parcel of property to multi-family residential (R-3) and further prohibiting the City from ever making any future general plan density changes to the property.

I agree with the attorney representing the City of La Quinta that this represents an unprecedented and dangerous intrusion of the courts into an area involving the City's authority to plan for land use. It is on that basis that I recommend that Lodi be added as an amici curiae in this case.

There will be no expense to Lodi if we add our name to the list of amici.

Respectfully submitted,



Bob McNatt
City Attorney

BMN :br

statewide practice
limited to land use law

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August 10, 1939

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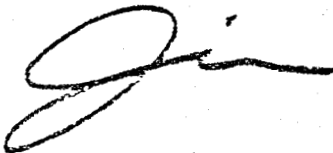
Re: City of La Quinta Amici Brief

We need your help. Riverside County Superior Court has issued a mandate judgment against the City of La Quints (1) commanding the City to adopt a specific ordinance rezoning a parcel of land to a higher density than that desired by the City; and (2) prohibiting the City from making any future general plan density amendments relative to the property. This judgment came out of a case involving the City's two year delay in bringing about zoning consistency with its general plan. No vested rights are involved. I believe this judgment constitutes an unprecedented invasion into the City's planning and zoning discretionary decision making powers.

The case is now on appeal. The Legal Advocacy Committee of the City Attorneys Department has reviewed this case and recommends Amicus support.

I will be writing an Amicus brief for joining cities. Enclosed is the proposed draft. If you agree with our position and wish to show your support, please advise me immediately, by phone or letter, so that we may include your name on the brief. That is all we need. However, if any of you have suggestions or experience with similar issues, your comments are appreciated.

Yours truly,



JL:11

P.S. Sorry for this form letter. But time is short and the budget is low. Thanks for understanding.